

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--|-----------------------------|
| In re:   | Bankruptcy No. 24-11814-pmm |
| JUAN A HERNANDEZ,<br>Debtor,   | Chapter 7                   |
| TOYOTA MOTOR CREDIT CORPORATION,<br>Movant,                          |                             |
| v.   |                             |
| JUAN A HERNANDEZ, AND<br>ROBERT W. SEITZER, Trustee,<br>Respondents. |                             |

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Toyota Motor Credit Corporation (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this *Motion for Relief from the Automatic Stay* (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Juan A. Hernandez (“Debtors”), is an adult individual with a place of residence located at 9119 Wooden Bridge Road, Philadelphia, Pa. 19136.
2. Robert W. Seitzer is the duly appointed Chapter 7 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding, and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about May 29, 2024, the Debtor filed a voluntary petition for relief pursuant to Chapter 7 of the Bankruptcy Code.

5. On or about August 11, 2023, the Debtor purchased a 2021 Toyota Camry, VIN: 4T1KZ1AK2MU049523 (the “Vehicle”), pursuant to a Retail Installment Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Movant has a secure interest in the Vehicle, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

7. The Contract requires monthly payments of \$664.68, which amounts are due on or before the 10<sup>th</sup> of each month.

8. The Debtor has failed to make their monthly payments to Movant from June 2024 to date. The Debtor is \$1,347.94 in post-petition payment arrears.

9. The Total Debt due on the Contract as of July 11, 2024, was \$38,728.70.

10. The N.A.D.A. value of the Vehicle is \$27,675.00. N.A.D.A. report attached hereto as **Exhibit C**.

11. Movant is entitled to relief from the automatic stay for cause, because the Debtor has failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Toyota Motor Credit Corporation, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2021 Toyota Camry, VIN: 4T1KZ1AK2MU049523.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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*Counsel for Toyota Motor Credit Corporation*

Dated: July 19, 2024